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# Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

Federal Communications Commission Office of the Secretary

In the Matter of	)	EB Docket No. 03-85
Business Options, Inc.	)	File No. EB-02-TC-151
Order to Chess Cours and	)	NAL/Acct. No. 30033217002
Order to Show Cause and Notice of Opportunity for Hearing	)	FRN: 0007179054

To: Business Options, Inc.

## ENFORCEMENT BUREAU'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS

The Enforcement Bureau ("Bureau"), pursuant to Section 1.325 of the Commission's rules, 47 C.F.R. § 1.325, hereby requests that Business Options, Inc. ("BOI") produce the categories of documents specified herein for inspection and copying. Production shall be made at the offices of the Investigations and Hearings Division, Enforcement Bureau, Suite 3-B443, 445 12<sup>th</sup> Street, S.W., Washington, D.C. (or at some place mutually acceptable to the Bureau and BOI) within 10 days of the date of this Third Request for Production of Documents (the "Request").

#### **Definitions and Instructions**

a. As used herein, the term "BOI" means Business Options, Inc., any affiliate, d/b/a, predecessor-in-interest, parent company, wholly or partially owned subsidiary, successor-in-interest or other affiliated company or business, including, but not limited to, Avatar Enterprises, Buzz Telecom, US Bell and Crusade Communications, and all directors and officers of the foregoing at any time during the periods covered by this Request, unless otherwise noted.

b. The term "document" means the complete original (or in lieu thereof, an exact copy of the original) and any draft or other non-identical copy (whether different from the original

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because of notations on the copy or otherwise), regardless of origin or location, of any written, typed, printed, transcribed, taped, recorded, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including, but not limited to, any advertisement, book, pamphlet, periodical, contract, correspondence, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minute, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of BOI.

- c. The terms "relate to" and "relating to" mean constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or in any way is pertinent to the specified subject, including documents concerning the preparation of the documents.
  - d. The term "and" also means "or" and the term "or" also means "and."
  - e. The term "each" also means "every" and the term "every" also means "each."
  - f. The term "all" also means "any" and the term "any" also means "all."
- g. Each document produced should be identified by the number of the document request to which it is responsive.
- h. If a document responsive to any request made herein existed but is no longer available, or if BOI is unable for any reason to produce a document responsive to request, BOI must identify each such document by author, recipient, date, title and specific subject matter, and

explain fully why the document is no longer available or why BOI is otherwise unable to produce it.

k. The specific requests made herein are continuing in nature. BOI must produce in the future any and all documents that are responsive to the requests made herein but not initially produced at the time, date and place set forth herein. In this regard, BOI must supplement its responses (a) if BOI learns that in some material respect that the documents initially disclosed were incomplete or incorrect or (b) if additional responsive documents are acquired by or become known to BOI after the initial production.

l. If BOI withholds any document under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the documents withheld that states, individually as to each such document, the numbered request (below) to which each document responds and the type, title, specific subject matter, and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the document is privileged.

m. If BOI believes that any document responsive to this Request should be treated in a confidential manner, it shall submit, along with the document, a statement in accordance with section 0.459 of the Commission's rules. 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of section 0.459, including the standards of specificity mandated by section 0.459(b).

n. Each requested document not subject to a claim of privilege shall be submitted in its entirety, even if only a portion of that document is responsive to an inquiry made herein. This means that the document shall not be edited, cut, or expunged, and shall include all appendices,

tables, or other attachments, and all other documents referred to in the document or attachments.

All manuals, instructions, and any other written materials necessary to understand any document responsive to these requests must also be submitted.

- o. If any document is not dated, state, if known, the date on which it was prepared. If any document does not identify its author(s) or recipient(s), state, if known, the name of the author(s) or recipient(s).
- p. Unless otherwise provided herein, the period covered by this Request shall be from September 1, 1997, to the present.

#### **Documents Requested**

- 1. All documents related to BOI's imposition of a line item charge for universal service, which began appearing on customers' bills no later than March 2002. *See* Verizon statement for bill period Feb. 7 Mar. 6, 2002, to account number 207 474-2170 002 003 1 (Paul and Ruth Brackett) at last page (Univ Svc Fnd \$3.75) (Attachment 1).
- 2. All documents related to BOI's accounting for line item charges for universal service, which BOI charged and collected from customers from the beginning of such collection to the present.\*
- 3. All FCC Form 457s and 499s filed by BOI with the National Exchange Carrier Association ("NECA").\*
- 4. All documents relating to payments made by BOI to the Universal Service Administrative Company ("USAC") from the first such payment to the present.\*

5. All documents relating to payments made by BOI to the administrator of the interstate Telecommunications Relay Services ("TRS") fund from the date of BOI's first such payment to the present.\*

Respectfully submitted,

Maureen F. Del Duca

Chief, Investigations and Hearings Division

James W. Shook

Attorney

Trent B. Harkrader

Attorney

Federal Communications Commission 445 12<sup>th</sup> Street, S.W., Room 3-B443 Washington, D.C. 20554 (202) 418-1420

September 29, 2003

<sup>\*</sup> Note that, in accordance with the definitions and instructions, the documents and payments included in the requests numbered 2-5 relate, not only to those filed and made by BOI itself, but to all such forms filed and payments made by Avatar, Buzz Telecom, US Bell and Crusade.

#### **CERTIFICATE OF SERVICE**

Moris Martinez, a clerk with the Enforcement Bureau's Investigations and Hearings

Division, certifies that he has on this 29<sup>th</sup> of September, 2003, sent, by first class United States
mail, copies of the foregoing "Enforcement Bureau's Third Request for Production of
Documents" to:

Dana Frix, Esq. (also by email) Kemal Hawa, Esq. Chadbourne & Parke, LLP 1200 New Hampshire Avenue, N.W. Washington, D.C. 20036 Counsel for Business Options, Inc.

Moris Martinez

\* Chief Administrative Law Judge Richard L. Sippel Federal Communications Commission 445 12<sup>th</sup> Street, S.W., Room 1-C864 Washington, D.C. 20054

\* Hand-delivered

### **ATTACHMENT 1**



Account Number Bill Period

Verizon

Feb 7 - Mar 6, 2002

207 474-2170 002 003

Page 1 of 3

\*\* Duplicate Billing Information \*\*

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To enroll in the Verizon

Direct Payment Option please read and sign the agreement on the reverse side of the payment form

below.

Paul & Ruth Brackett 46 JESSICA LN S PORTLAND ME 04106-6898

Order or Bill Information	ACCOUNT SUMMARY	amount	total
1-800-585-4466	Previous Balance	\$41.60	<del></del>
	Payment Received 2/25 Thank You	41.60 cr	
	Balance as of 3/11		\$.00
Payment Information	New Charges		
and	Verizon Standard Local Services page 2	\$25.67	
TTY/TDD see page 3	Verizon Optional Services page 2	3.92	
W III/IDD see page 5	All Other Charges page 2	24.27	
Other Bill Questions?	Total New Charges Due by April 8, 2002	· · · · · · · · · · · · · · · · · · ·	\$53.86
Call the number shown			
on the detail page for			
that company.		·	
. ,	Total Amount Dua		\$53.86



Bill Date	Payment Due	Total Amount	Account Number
	Date	Due	
March 6, 2002	April 8, 2002	\$53.86	207 474-2170 002 003 1

\$ . . . .

Avoid a 1.060% late payment charge.

Payment must be received by 4/8/02.

Customer Name Paul & Ruth Brackett

Please return this portion with your payment. Make check payable to Verizon. Please include account number on payment. If paying in person bring this entire page with you, see your phone book for locations.



Account Number Bill Period

Feb 7 - Mar 6, 2002

207 474-2170 002 003 1

Verizon

Page 2 of 3

New Charges	Verizon Standard Local Services Unlimited Premium Service		\$17.41
2	Surcharges and Taxes FCC Line Charge \$5.00 911 Enhanced Surcharge Local Number Portability \$.23 Federal USF Surcharge School and Library Fund \$.11 Federal Tax ME State Tax \$1.16	\$.50 \$.54 \$.72	8.26
Ī	otal		\$25.67
<u></u>	erizon Optional Services		
3	TeleSure® Diagnostic and Maintenance Service		\$3.95
4	Federal Universal Service High Cost Fund Credit		.23
5	Surcharges and Taxes ME State Tax \$.20		.20
7	otal		\$3.92
	USBI see detail pages		\$24.27

Account Number 207 474-2170 002 003 1



Yes, I want to enroll in the **Direct Payment Option** and have my monthly payments deducted automatically **from the account associated with the enclosed check**, on the payment date.

Please check this box and read and sign the authorization agreement, below.

### **Authorization Agreement for Pre-authorized Payments**

Please sign and return with this month's payment to the mailing address printed on the reverse. Be sure to use the checking account which you want to be debited for this pre-authorized payment option.

I authorize and instruct my financial institution to deduct the amount of my monthly telephone bill from my checking account and remit directly to Verizon. Verizon will notify the financial institution of the amount to be deducted.

I understand that if at anytime I decide to discontinue the Direct Payment Option, I must notify Verizon. I understand and agree that Verizon is not liable in any way for erroneous bill statements or incorrect debits to my accounts and that should an error in the bill statement occur Verizon's only responsibility is to correct it when and if it receives notice from me of the error. I understand that my financial institution and Verizon reserve the right, upon written notification, to terminate this payment option and/or my participation. Customer's participation is subject to Verizon's approval.

Signature	Date	



Account Number Bill Period

Verizon

207 474-2170 002 003 Feb 7 - Mar 6, 2002

MAAD 04976

Page 3 of 3

continued **Package** 

Information

New Charges

All Other Charges continued Total

\$24.27

Did you know? Discount

> You could become eligible for additional savings on your Verizon bill by purchasing select Verizon service combinations.

To learn more about other available package discounts, call your local business office today! (See page 1 for toll free business office number)

**Important** Consumer Information For important consumer information see the Customer Guide in your Verizon white pages directory.

Residence Lifeline Service Program

Low income customers may be eligible for our Residence Lifeline Service Program which would reduce your local telephone service bills. Check with your service representative for details.

**Installment Arrangement** 

You may make an affordable weekly or monthly installment arrangement on your bill by calling 1-800-640-4422.

Verizon Customer Service 7:30 am to 7:00 pm Monday - Friday 8:00 am to 5:00 pm Saturday

**Automated Account Information Line** Sunday 7:30 am to Saturday 7:30 pm

Obtain account information

• Verify receipt of your payments

1-800-244-3737 Using a touch-tone phone

**≅** TTY/TDD

Verizon Center for Individuals with Disabilities 1-800-974-6006 (V/TTY)







Account Number Bill Period USBI

207 474-2170 002 003 Feb 7 - Mar 6, 2002

Page 1 of 1

This portion of you	ır bill is pro	ovided as a s	service to USBI.				MAAD 04976	
Helpful Numbe		ing inquiries 1 may also vi			w		8-477-8724 w.com/usbi	
Summary		US	SBI					
Duning J	1 Toll C		D1				\$9.50	
			harges and Credits			13.55		
		ol and Librar	•				.05	
	4 Federa		ry i una				.69	
	5 State 7						.48	
-	Total	lan					\$24.27	
temized Calls	1000,						. <b>(γ (α</b> (α	
Toll Calls	Billed on	behalf of B	BUSINESS OPTION	IS INC				
	Directly I	Dialed						
	no. date	time	place called	number called	rale period	mın.sec	amount	
<del>-</del>	6 2/7	10:29 am	Oakland ME	207 465 3081	day	2:00	\$.50	
	7 2/7	4:05 pm	Soportland ME	207 799 3036	day	13:00	3.25	
	8 2/8	11:46 am	Soportland ME	207 767 8197	day	2:00	.50	
	9 2/19	1:38 pm	Soportland ME	207 767 8197	day	2:00	.50	
•	10 2/19	7:16pm	Scarborogh ME	207 885 5887	eve	19:00	4.75	
		of BUSINE	SS OPTIONS INC				\$9.50 \$9.50	
	Total						<b>∄</b> 7.JV	
Miscellaneous	Billed on	behalf of B	BUSINESS OPTION	<b>IS INC</b>				
Charges and	no. date		description				amount	
Credits	11 2/5		Mo Serv Fee				\$4.90	
	12 2/5		Univ Svc Fnd				3.75	
	13 3/4		Mo Serv Fee	<u> </u>			4.90	
		of BUSINE	SS OPTIONS INC				\$13.55	
	Total						\$13.5	